

MONTANA LEGISLATIVE HISTORY

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Chapter 696 19 91

Bill H 993 S \_\_\_\_\_

Original bill & history X c

H. Committee on Taxation

S. Committee on Judiciary

Hearing Date(s) Mar 29 ☒ c

Hearing Date(s) April 10 ☒ c

\_\_\_\_\_ ☐ c

April 11 ☒ c

\_\_\_\_\_ ☐ c

\_\_\_\_\_ ☐ c

\_\_\_\_\_ ☐ c

\_\_\_\_\_ ☐ c

Date Out Mar 28 ☒ c

April 11 ☒ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee \_\_\_\_\_

Report \_\_\_\_\_

3/14 FISCAL NOTE REQUESTED  
 3/20 FISCAL NOTE RECEIVED  
 3/21 FISCAL NOTE PRINTED  
 3/27 HEARING  
 3/27 TABLED IN COMMITTEE

HB 993 INTRODUCED BY ZOOK, ET AL.  
 REQUIRE PARENTAL CONTRIBUTIONS FOR  
 THE COST OF OUT-OF-HOME CARE

|      |                                                            |    |   |
|------|------------------------------------------------------------|----|---|
| 3/14 | INTRODUCED                                                 |    |   |
| 3/14 | REFERRED TO TAXATION                                       |    |   |
| 3/14 | FIRST READING                                              |    |   |
| 3/14 | FISCAL NOTE REQUESTED                                      |    |   |
| 3/19 | FISCAL NOTE RECEIVED                                       |    |   |
| 3/21 | FISCAL NOTE PRINTED                                        |    |   |
| 3/27 | HEARING                                                    |    |   |
| 3/28 | COMMITTEE REPORT—BILL PASSED AS AMENDED                    |    |   |
| 4/03 | 2ND READING PASSED                                         | 98 | 2 |
| 4/03 | ON MOTION RULES SUSPENDED TO ALLOW 3RD<br>READING THIS DAY |    |   |
| 4/03 | 3RD READING PASSED                                         | 97 | 3 |
|      | TRANSMITTED TO SENATE                                      |    |   |
| 4/04 | FIRST READING                                              |    |   |
| 4/04 | REFERRED TO JUDICIARY                                      |    |   |
| 4/10 | HEARING                                                    |    |   |
| 4/11 | COMMITTEE REPORT—BILL CONCURRED AS AMENDED                 |    |   |
| 4/15 | 2ND READING CONCURRED                                      | 48 | 0 |
| 4/16 | 3RD READING CONCURRED                                      | 49 | 0 |
|      | RETURNED TO HOUSE WITH AMENDMENTS                          |    |   |
| 4/18 | 2ND READING AMENDMENTS CONCURRED                           | 96 | 2 |
| 4/19 | 3RD READING AMENDMENTS CONCURRED                           | 96 | 2 |
| 4/23 | SIGNED BY SPEAKER                                          |    |   |
| 4/23 | SIGNED BY PRESIDENT                                        |    |   |
| 4/23 | TRANSMITTED TO GOVERNOR                                    |    |   |
| 4/27 | SIGNED BY GOVERNOR                                         |    |   |
|      | CHAPTER NUMBER 696                                         |    |   |

EFFECTIVE DATE: 7/01/91

HB 994 INTRODUCED BY S.J. HANSEN, ET AL.  
 SWIMMING POOL LICENSURE  
 BY REQUEST OF DEPARTMENT OF HEALTH  
 AND ENVIRONMENTAL SCIENCES

|      |                                             |    |    |
|------|---------------------------------------------|----|----|
| 3/15 | INTRODUCED                                  |    |    |
| 3/15 | REFERRED TO HUMAN SERVICES & AGING          |    |    |
| 3/15 | FIRST READING                               |    |    |
| 3/15 | FISCAL NOTE REQUESTED                       |    |    |
| 3/19 | FISCAL NOTE RECEIVED                        |    |    |
| 3/21 | FISCAL NOTE PRINTED                         |    |    |
| 3/22 | HEARING                                     |    |    |
| 3/23 | COMMITTEE REPORT—BILL PASSED AS AMENDED     |    |    |
| 4/02 | 2ND READING PASSED                          | 54 | 42 |
| 4/04 | 3RD READING PASSED                          | 56 | 43 |
|      | TRANSMITTED TO SENATE                       |    |    |
| 4/04 | FIRST READING                               |    |    |
| 4/04 | REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY |    |    |
| 4/10 | HEARING                                     |    |    |
| 4/11 | COMMITTEE REPORT—BILL CONCURRED AS AMENDED  |    |    |
| 4/15 | 2ND READING CONCURRED                       | 23 | 21 |
| 4/16 | 3RD READING CONCURRED                       | 36 | 13 |
|      | RETURNED TO HOUSE WITH AMENDMENTS           |    |    |
| 4/18 | 2ND READING AMENDMENTS CONCURRED            | 90 | 9  |
| 4/19 | 3RD READING AMENDMENTS CONCURRED            | 64 | 33 |

## HOUSE BILL NO. 993

INTRODUCED BY ZOOK, PINSONEAULT, CODY, COBB,  
THOMAS, KADAS, J. RICE, BENEDICT, HOFFMAN,  
MERCER, COCCHIARELLA

IN THE HOUSE

MARCH 14, 1991

INTRODUCED AND REFERRED TO COMMITTEE  
ON TAXATION.

FIRST READING.

MARCH 28, 1991 COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

APRIL 1, 1991                      PRINTING REPORT.

APRIL 3, 1991 SECOND READING, DO PASS.

ON MOTION, RULES SUSPENDED. BILL  
PLACED ON THIRD READING THIS DAY.

THIRD READING, PASSED.  
AYES, 97; NOES, 3.

APRIL 4, 1991                      ENGROSSING REPORT.

IN THE SENATE

APRIL 4, 1991

INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

FIRST READING.

APRIL 11, 1991 COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

APRIL 15, 1991 SECOND READING, CONCURRED IN.

APRIL 16, 1991

THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 18, 1991 RECEIVED FROM SENATE.

## SECOND READING, AMENDMENTS

APRIL 19, 1991

CONCURRED IN.

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *993*  
 2 INTRODUCED BY *Sen. Vincent*  
 3 *Kedus* *Benedict* *Thompson* *Marcus* *Carroll*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A YOUTH'S  
 5 PARENTS OR GUARDIANS TO PAY A CONTRIBUTION TOWARD THE COST  
 6 OF OUT-OF-HOME CARE PROVIDED BY THE DEPARTMENT OF FAMILY  
 7 SERVICES IF THEY ARE FINANCIALLY ABLE TO PAY; TO REQUIRE  
 8 CONTRIBUTIONS BY A YOUTH'S PARENTS OR GUARDIANS TO BE BASED  
 9 ON UNIFORM CHILD SUPPORT GUIDELINES; TO AUTHORIZE THE  
 10 COLLECTION OF CONTRIBUTIONS BY MEANS OF AUTOMATIC INCOME  
 11 WITHHOLDING; TO ALLOCATE PROCEEDS FROM THE CONTRIBUTIONS OF  
 12 PARENTS AND GUARDIANS TO THE DEPARTMENT OF FAMILY SERVICES;  
 13 AMENDING SECTIONS 41-3-208, 41-3-406, 41-3-408, 41-3-1115,  
 14 41-4-102, 41-5-403, 41-5-522, 41-5-523, AND 41-5-524, MCA;  
 15 REPEALING SECTIONS 41-3-1123, 41-3-1124, AND 41-3-1125, MCA;  
 16 AND PROVIDING AN EFFECTIVE DATE."

17  
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 **Section 1.** Section 41-3-406, MCA, is amended to read:

20 "41-3-406. Dispositional hearing -- contributions by  
 21 parents or guardians for youth's care. (1) If a youth is  
 22 found to be ~~abused, neglected, or dependent~~ a youth in need  
 23 of care under 41-3-404, the court ~~after the dispositional~~  
 24 ~~hearing~~ may enter its judgment making any of the following  
 25 dispositions to protect the welfare of the youth:

1 ~~††~~(a) permit the youth to remain with his parents or  
 2 guardian subject to those conditions and limitations the  
 3 court may prescribe;  
 4 ~~†2~~(b) grant an order of limited emancipation to a  
 5 youth who is 16 years of age or older as provided in  
 6 41-3-408;  
 7 ~~†3~~(c) transfer legal custody to any of the following:  
 8 ~~†a~~(i) the department of family services;  
 9 ~~†b~~(ii) a child-placing agency that is willing and able  
 10 to assume responsibility for the education, care, and  
 11 maintenance of the youth and ~~which~~ that is licensed or  
 12 otherwise authorized by law to receive and provide care of  
 13 the youth; or  
 14 ~~†c~~(iii) a relative or other individual who, after study  
 15 by a social service agency designated by the court, is found  
 16 by the court to be qualified to receive and care for the  
 17 youth;  
 18 ~~†4~~(d) order any party to the action to do what is  
 19 necessary to give effect to the final disposition, including  
 20 undertaking medical and psychological evaluations,  
 21 treatment, and counseling;  
 22 ~~†5~~(e) order such further care and treatment as the  
 23 court ~~may deem~~ considers in the best interest of the youth.  
 24 (2) If the youth is transferred to the custody of the  
 25 department, the court shall examine the financial ability of

the youth's parents or guardians to pay a contribution covering all or part of the costs for the care, custody, and treatment of the youth, including the costs of necessary medical, dental, and other health care.

(3) If the court determines that the youth's parents or guardians are financially able to pay a contribution as provided in subsection (2), the court shall order the youth's parents or guardians to pay an amount based on the uniform child support guidelines adopted by the department of social and rehabilitation services pursuant to 40-5-209.

(4) The court may, in its discretion, order contributions required under subsection (3) to be paid by means of automatic income withholding in accordance with the procedures established under Title 40, chapter 5, part 4.

(5) Upon a showing of a change in the financial ability of the youth's parents or guardians to pay, the court may modify its order for the payment of contributions required under subsection (3).

(6) The department of social and rehabilitation services shall collect and enforce payment of contributions ordered by the court pursuant to this section in the same manner as provided in Title 40, chapter 5, for the collection and enforcement of child support."

**Section 2.** Section 41-5-403, MCA, is amended to read:

"41-5-403. Disposition permitted under informal

adjustment -- contributions by parents or guardians for youth's care. (1) The following dispositions may be imposed by informal adjustment:

(a) probation;

(b) placement of the youth ~~for~~ in substitute care ~~into~~ in a youth care facility, as defined in 41-3-1102, and as determined by the department;

(c) placement of the youth ~~in~~ with a private agency responsible for the care and rehabilitation of ~~such--a~~ the youth as determined by the department;

(d) restitution upon approval of the youth court judge.

(2) In determining whether restitution is appropriate in a particular case, the following factors may be considered in addition to any other evidence:

(a) age of the youth;

(b) ability of the youth to pay;

(c) ability of the parents or legal guardian to pay;

(d) amount of damage to the victim; and

(e) legal remedies of the victim; however, the ability of the victim or his insurer to stand any loss may not be considered in any case.

(3) If the youth violates ~~his~~ an aftercare agreement as provided for in 53-30-226, he must be returned to the court for further disposition. ~~No~~ A youth may not be placed in a state youth correctional facility under informal adjustment.

(4) If the youth is placed in substitute care requiring payment by the department, the court shall examine the financial ability of the youth's parents or guardians to pay a contribution covering all or part of the costs for the care, placement, and treatment of the youth, including the costs of necessary medical, dental, and other health care.

(5) If the court determines that the youth's parents or guardians are financially able to pay a contribution as provided in subsection (4), the court shall order the youth's parents or guardians to pay an amount based on the uniform child support guidelines adopted by the department of social and rehabilitation services pursuant to 40-5-209.

(6) The court may, in its discretion, order contributions required under subsection (5) to be paid by means of automatic income withholding in accordance with the procedures established under Title 40, chapter 5, part 4.

(7) Upon a showing of a change in the financial ability of the youth's parents or guardians to pay, the court may modify its order for the payment of contributions required under subsection (5).

(8) The department of social and rehabilitation services shall collect and enforce payment of contributions ordered by the court pursuant to this section in the same manner as provided in Title 40, chapter 5, for the collection and enforcement of child support."

**Section 3.** Section 41-5-523, MCA, is amended to read:

**"41-5-523. (Temporary) Disposition of delinquent youth and youth in need of supervision.** (1) If a youth is found to be delinquent or in need of supervision, the youth court may enter its judgment making any of the following dispositions:

(a) place the youth on probation;

(b) commit the youth to the department if the court determines that the youth is in need of placement in other than the youth's own home; provided, however, that:

(i) in the case of a youth in need of supervision, the court shall determine whether continuation in the home would be contrary to the welfare of the youth and whether reasonable efforts have been made to prevent or eliminate the need for removal of the youth from his home. The court shall include such determination in the order committing the youth to the department.

(ii) in the case of a delinquent youth who is determined by the court to be a serious juvenile offender, the judge may specify that the youth be placed in a youth correctional facility if the judge finds that such placement is necessary for the protection of the public;

(c) order restitution by the youth or his parents;

(d) impose a fine as authorized by law if the violation alleged would constitute a criminal offense if committed by an adult;

(e) require the performance of community service;

(f) require the youth, his parents, his guardians, or the persons having legal custody of the youth to receive counseling services;

(g) require the medical and psychological evaluation of the youth, his parents, his guardians, or the persons having legal custody of the youth;

(h) require the parents, guardians, or other persons having legal custody of the youth to furnish such services as the court may designate;

(i) order such further care, treatment, evaluation, or relief that the court considers beneficial to the youth and the community and that does not obligate funding from the department without the department's approval, except that a youth may not be placed by a youth court in a residential treatment facility as defined in 50-5-101. Only the department may, pursuant to subsection (1)(b), place a youth in a residential treatment facility.

(j) commit the youth to a mental health facility if, based upon the testimony of a professional person as defined in 53-21-102, the court finds that the youth is seriously mentally ill as defined in 53-21-102. The youth is entitled to all rights provided by 53-21-114 through 53-21-119. Upon release or discharge from the mental health facility, the youth must be returned to the court for further disposition

in accordance with this section unless the court order has expired or the court no longer retains jurisdiction under 41-5-205.

(2) When a youth is committed to the department, the department shall determine the appropriate placement and rehabilitation program for the youth after considering the recommendations made under 41-5-527 by the youth placement committee. Placement is subject to the following limitations:

(a) A youth in need of supervision may not be placed in a youth correctional facility.

(b) A youth may not be held in a youth correctional facility for a period of time in excess of the maximum period of imprisonment that could be imposed on an adult convicted of the offense or offenses that brought the youth under the jurisdiction of the youth court. Nothing in this section limits the power of the department to enter into an aftercare agreement with the youth pursuant to 53-30-226.

(c) No youth may be placed in or transferred to a penal institution or other facility used for the execution of sentence of adults convicted of crimes.

(3) A youth placed by the department in a youth correctional facility must be supervised by the department. A youth placed in any other placement must be supervised by the youth probation officer of the youth court having



1 jurisdiction over the youth.

2 (4) At any time after the youth has been taken into  
3 custody, the court may, with the consent of the youth in the  
4 manner provided in 41-5-303 for consent by a youth to a  
5 waiver of his constitutional rights or after the youth has  
6 been adjudicated delinquent or in need of supervision, order  
7 the youth to be evaluated by the department for a period not  
8 to exceed 45 days. The department shall determine the place  
9 and manner of evaluation.

10 (5) No evaluation of a youth may be performed at the  
11 Montana state hospital unless such youth is transferred to  
12 the district court under 41-5-206.

13 (6) Any order of the court may be modified at any time.  
14 In the case of a youth committed to the department, an order  
15 pertaining to the youth may be modified only upon notice to  
16 the department and subsequent hearing.

17 (7) Whenever the court commits a youth to the  
18 department, it must transmit with the dispositional judgment  
19 copies of a medical report and such other clinical,  
20 predisposition, or other reports and information pertinent  
21 to the care and treatment of the youth.

22 **41-5-523. (Effective July 1, 1991) Disposition of**  
23 **delinquent youth and youth in need of supervision.** (1) If a  
24 youth is found to be a delinquent youth or a youth in need  
25 of supervision, the youth court may enter its judgment

1 making any of the following dispositions:

2 (a) place the youth on probation;

3 (b) commit the youth to the department if the court  
4 determines that the youth is in need of placement in other  
5 than the youth's own home; provided, however, that:

6 (i) in the case of a youth in need of supervision, the  
7 court shall determine whether continuation in the home would  
8 be contrary to the welfare of the youth and whether  
9 reasonable efforts have been made to prevent or eliminate  
10 the need for removal of the youth from his home. The court  
11 shall include such determination in the order committing the  
12 youth to the department.

13 (ii) in the case of a delinquent youth who is determined  
14 by the court to be a serious juvenile offender, the judge  
15 may specify that the youth be placed in a state youth  
16 correctional facility if the judge finds that such placement  
17 is necessary for the protection of the public;

18 (c) order restitution by the youth or his parents;

19 (d) impose a fine as authorized by law if the violation  
20 alleged would constitute a criminal offense if committed by  
21 an adult;

22 (e) require the performance of community service;

23 (f) require the youth, his parents, his guardians, or  
24 the persons having legal custody of the youth to receive  
25 counseling services;

(g) require the medical and psychological evaluation of the youth, his parents, his guardians, or the persons having legal custody of the youth;

(h) require the parents, guardians, or other persons having legal custody of the youth to furnish such services as the court may designate;

(i) order such further care, treatment, evaluation, or relief that the court considers beneficial to the youth and the community and that does not obligate funding from the department without the department's approval, except that a youth may not be placed by a youth court in a residential treatment facility as defined in 50-5-101. Only the department may, pursuant to subsection (1)(b), place a youth in a residential treatment facility.

(j) commit the youth to a mental health facility if, based upon the testimony of a professional person as defined in 53-21-102, the court finds that the youth is seriously mentally ill as defined in 53-21-102. The youth is entitled to all rights provided by 53-21-114 through 53-21-119. Upon release or discharge from the mental health facility, the youth must be returned to the court for further disposition in accordance with this section unless the court order has expired or the court no longer retains jurisdiction under 41-5-205.

(2) When a youth is committed to the department, the

department shall determine the appropriate placement and rehabilitation program for the youth after considering the recommendations made under 41-5-527 by the youth placement committee. Placement is subject to the following limitations:

(a) A youth in need of supervision may not be placed in a state youth correctional facility.

(b) A youth may not be held in a state youth correctional facility for a period of time in excess of the maximum period of imprisonment that could be imposed on an adult convicted of the offense or offenses that brought the youth under the jurisdiction of the youth court. Nothing in this section limits the power of the department to enter into an aftercare agreement with the youth pursuant to 53-30-226.

(c) No youth may be placed in or transferred to a penal institution or other facility used for the execution of sentence of adults convicted of crimes.

(3) A youth placed by the department in a youth correctional facility must be supervised by the department. A youth placed in any other placement must be supervised by the youth probation officer of the youth court having jurisdiction over the youth.

(4) At any time after the youth has been taken into custody and before final disposition, the court may, with

the consent of the youth in the manner provided in 41-5-303 for consent by a youth to a waiver of his constitutional rights or after the youth has been adjudicated delinquent or in need of supervision, order the youth to be evaluated for a period not to exceed 45 days. The county commissioners are responsible for the cost of the evaluation and may contract with the department or other public or private agencies to obtain evaluation services.

(5) No evaluation of a youth may be performed at the Montana state hospital unless such youth is transferred to the district court under 41-5-206.

(6) Any order of the court may be modified at any time. In the case of a youth committed to the department, an order pertaining to the youth may be modified only upon notice to the department and subsequent hearing.

(7) Whenever the court commits a youth to the department, it must transmit with the dispositional judgment copies of a medical report and such other clinical, predisposition, or other reports and information pertinent to the care and treatment of the youth.

(8) If a youth is committed to the department, the court shall examine the financial ability of the youth's parents or guardians to pay a contribution covering all or part of the costs for the care, commitment, and treatment of the youth, including the costs of necessary medical, dental,

and other health care.

(9) If the court determines that the youth's parents or guardians are financially able to pay a contribution as provided in subsection (8), the court shall order the youth's parents or guardians to pay an amount based on the uniform child support guidelines adopted by the department of social and rehabilitation services pursuant to 40-5-209.

(10) The court may, in its discretion, order contributions required under subsection (9) to be paid by means of automatic income withholding in accordance with the procedures established under Title 40, chapter 5, part 4.

(11) Upon a showing of a change in the financial ability of the youth's parents or guardians to pay, the court may modify its order for the payment of contributions required under subsection (9).

(12) The department of social and rehabilitation services shall collect and enforce payment of contributions ordered by the court pursuant to this section in the same manner as provided in Title 40, chapter 5, for the collection and enforcement of child support."

**Section 4.** Section 41-5-524, MCA, is amended to read:

**"41-5-524. Consent decree with petition.** (1) At any time after the filing of a petition alleging ~~delinquency--or~~ that a youth is a delinquent youth or a youth in need of supervision and before the entry of a judgment, the court

may, on motion of counsel for the youth or on the court's own motion, suspend the proceedings and continue the youth under supervision under terms and conditions negotiated with probation services and agreed to by all necessary parties. The court's order continuing the child under supervision under this section shall be known as a "consent decree". The procedures used and dispositions permitted under this section shall conform to the procedures and dispositions specified in 41-5-401 through 41-5-403 relating to consent adjustments without petition and the responsibility of the youth's parents or guardians to pay a contribution for the costs of placement in substitute care.

(2) If the youth or his counsel objects to a consent decree, the court shall proceed to findings, adjudication, and disposition of the case.

(3) If, either prior to discharge by probation services or expiration of the consent decree, a new petition alleging delinquency or that the youth is a delinquent youth or a youth in need of supervision is filed against the youth or if the youth fails to fulfill the expressed terms and conditions of the consent decree, the petition under which the youth was continued under supervision may be reinstated in the discretion of the county attorney in consultation with probation services. In the event of reinstatement, the proceeding on the petition shall be continued to conclusion

as if the consent decree had never been entered.

(4) A youth who is discharged by probation services or who completes a period under supervision without reinstatement of the original petition may not again be proceeded against in any court for the same offense alleged in the petition, and the original petition shall be dismissed with prejudice. Nothing in this subsection precludes a civil suit against the youth for damages arising from his conduct.

(5) In all cases where the terms of the consent decree shall extend for a period in excess of 6 months, the probation officer shall at the end of each 6-month period submit a report which shall be reviewed by the court."

**NEW SECTION. Section 5. Parental contributions account -- allocation of proceeds.** (1) There is a parental contributions account in the state special revenue fund.

(2) Contributions paid by the parents and guardians of youth under 41-3-406, 41-5-403, 41-5-523, or 41-5-524 must be deposited in the account.

(3) All money in the account, except any amount required to be returned to federal or county sources, is allocated to the department to carry out its duties under 52-1-103.

**Section 6.** Section 41-3-208, MCA, is amended to read:

"41-3-208. Rulemaking authority. (1) The department of

1 family services shall adopt rules to govern the procedures  
2 used by department personnel in preparing and processing  
3 reports and in making investigations authorized by this  
4 chapter ~~or-41-3-1123~~.

5 (2) The department may adopt rules to govern the  
6 disclosure of case records containing reports of child abuse  
7 and neglect."

8 **Section 7.** Section 41-3-408, MCA, is amended to read:

9 **"41-3-408. Limited emancipation.** (1) The court, after  
10 the dispositional hearing provided for in 41-3-406, may,  
11 upon the request of a youth who is 16 years of age or older,  
12 enter an order granting limited emancipation to the youth.

13 (2) Limited emancipation may be granted only if the  
14 court has found:

15 (a) that limited emancipation is in the youth's best  
16 interests;

17 (b) that the youth desires limited emancipation;

18 (c) that there exists no public interest compelling  
19 denial of limited emancipation;

20 (d) that the youth has, or will reasonably obtain,  
21 money sufficient to pay for financial obligations incurred  
22 as a result of limited emancipation;

23 (e) that the youth, as shown by prior conduct and  
24 preparation, understands and may be expected to responsibly  
25 exercise those rights and responsibilities incurred as a

1 result of limited emancipation;

2 (f) that the youth has graduated or will continue to  
3 diligently pursue graduation from high school, unless  
4 circumstances clearly compel deferral of education; and

5 (g) that the youth will undergo periodic counseling  
6 with an appropriate advisor.

7 (3) An order of limited emancipation must specifically  
8 set forth the rights and responsibilities that are being  
9 conferred upon the youth. These may include but are not  
10 limited to one or more of the following:

11 (a) the right to live independently of in-house  
12 supervision;

13 (b) the right to live in housing of the youth's choice;

14 (c) the right to directly receive and expend money to  
15 which the youth is entitled and to conduct his own financial  
16 affairs;

17 (d) the right to enter into contractual agreements and  
18 incur debts;

19 (e) the right to obtain access to medical treatment and  
20 records upon the youth's own authorization; and

21 (f) the right to obtain a license to operate equipment  
22 or perform a service.

23 (4) An order of limited emancipation must include a  
24 provision requiring that the youth make periodic reports to  
25 the court upon terms prescribed by the court.

1 (5) If ~~no order for contribution is made under~~  
 2 ~~41-3-1124~~ and the court determines that a youth to whom  
 3 limited emancipation is granted does not have sufficient  
 4 funds to finance transition to limited emancipated status,  
 5 the court may order the department to provide such funds,  
 6 not to exceed \$500, directly to the youth. The youth shall  
 7 account to the court for the disposition of such funds and  
 8 shall repay all such money to the department within 1 year  
 9 of the order of limited emancipation unless the court for  
 10 cause orders an extension.

11 (5) The court, on its own motion or on the motion of  
 12 any parties to the dispositional hearing, may modify or  
 13 revoke the order upon a showing that:

14 (a) the youth has committed a material violation of the  
 15 law;

16 (b) the youth is failing to diligently pursue  
 17 graduation from high school;

18 (c) the youth has violated a condition of the limited  
 19 emancipation order;

20 (d) the best interests of the youth are no longer  
 21 served by limited emancipation; or

22 (e) the youth has discontinued periodic counseling with  
 23 approved advisors.

24 (7) The department shall mail a copy of this part to  
 25 all high school counseling offices."

1 **Section 8.** Section 41-3-1115, MCA, is amended to read:

2 **"41-3-1115. Foster care review committee.** (1) In every  
 3 judicial district the youth court judge, in consultation  
 4 with the department, shall appoint a foster care review  
 5 committee. The members of the committee must be willing to  
 6 act without compensation. The committee shall be composed of  
 7 not less than five or more than seven members. The members  
 8 shall include:

9 (a) a representative of the department;

10 (b) a representative of the youth court;

11 (c) someone knowledgeable in the needs of children in  
 12 foster care placements who is not employed by the department  
 13 or the youth court;

14 (d) a representative of a local school district;

15 (e) if the child whose care under review is an Indian,  
 16 someone, preferably an Indian person, knowledgeable about  
 17 Indian cultural and family matters who is appointed  
 18 effective only for and during that review; and

19 (f) if there is one, the foster parent of the child  
 20 whose care is under review. The foster parent's appointment  
 21 is effective only for and during that review.

22 (2) When a child is in foster care under the  
 23 supervision of the department ~~or if payment for care is made~~  
 24 ~~pursuant to 41-3-1122~~, the committee shall conduct a review  
 25 of the foster care status of the child. The review must be

conducted within a time limit established by the department. The time limit must comply with federal law and may not be later than the 12-month anniversary date of the child's placement into foster care.

(3) The department shall provide the committee with guidelines for operation of the committee. Within 30 days of the foster care review, the committee shall provide the youth court and the department a written report of its findings and recommendations for further action by the youth court or the department.

(4) The department shall adopt rules necessary to carry out the purposes of this section.

(5) Because of the individual privacy involved, meetings of the committee, reports of the committee, and information on individuals' cases shared by committee members is confidential and subject to the confidentiality requirements of the department.

(6) The committee is subject to the call of the youth court judge to meet and confer with him on all matters pertaining to the foster care of a child before the youth court."

**Section 9.** Section 41-4-102, MCA, is amended to read:

"41-4-102. **Financial responsibility.** Financial responsibility for any child placed pursuant to the provisions of the Interstate Compact on the Placement of

Children shall be determined in accordance with the provisions of Article V thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of Title 40, chapter 5 (Revised Uniform Reciprocal Enforcement of Support Act), ~~and 41-3-1122, 41-3-404, and 41-3-1123~~ also may be invoked."

**Section 10.** Section 41-5-522, MCA, is amended to read:

"41-5-522. **Dispositional hearing.** (1) As soon as practicable after a youth is found to be a delinquent youth or a youth in need of supervision, the court shall conduct a dispositional hearing. The dispositional hearing may involve a determination of the financial ~~liability-as-provided-in~~ 41-3-1123-and-41-3-1124 ability of the youth's parents or guardians to pay a contribution for the cost of care, commitment, and treatment of the youth as required in 41-5-523.

(2) Before conducting the dispositional hearing, the court shall direct that a social summary or predisposition report be made in writing by a probation officer concerning the youth, his family, his environment, and other matters relevant to the need for care or rehabilitation or disposition of the case. The youth court may have the youth examined, and the results of the examination shall be made available to the court as part of the social summary or predisposition report. The court may order the examination

of a parent or guardian whose ability to care for or supervise a youth is at issue before the court. The results of such examination shall be included in the social summary or predisposition report. The youth, his parents, guardian, or counsel shall have the right to subpoena all persons who have prepared any portion of the social summary or predisposition report and shall have the right to cross-examine said parties at the dispositional hearing.

(3) Defense counsel shall be furnished with a copy of the social summary or predisposition report and psychological report prior to the dispositional hearing.

(4) The dispositional hearing shall be conducted in the manner set forth in subsections (3), (4), and (5) of 41-5-521. The court shall hear all evidence relevant to a proper disposition of the case best serving the interests of the youth and the public. Such evidence shall include but not be limited to the social summary and predisposition report provided for in subsection (2) of this section.

(5) If the court finds that it is in the best interest of the youth, the youth, his parents, or guardian may be temporarily excluded from the hearing during the taking of evidence on the issues of need for treatment and rehabilitation.

(6) In determining whether restitution, as authorized by 41-5-523, is appropriate in a particular case, the

following factors may be considered in addition to any other evidence:

- (a) age of the youth;
- (b) ability of the youth to pay;
- (c) ability of the parents or legal guardian to pay;
- (d) amount of damage to the victim; and
- (e) legal remedies of the victim; however, the ability of the victim or his insurer to stand any loss may not be considered in any case."

NEW SECTION. Section 11. Repealer. Sections 41-3-1123, 41-3-1124, and 41-3-1125, MCA, are repealed.

NEW SECTION. Section 12. Codification instruction. [Section 5] is intended to be codified as an integral part of Title 41, chapter 5, part 5, and the provisions of Title 41, chapter 5, part 5, apply to [section 5].

NEW SECTION. Section 13. Effective date. [This act] is effective July 1, 1991.

-End-



## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0993, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act to require a youth's parents or guardians to pay a contribution toward the cost of out-of-home care provided by DFS if they are financially able to pay; contributions to be based on uniform child support guidelines; to establish collection procedures.

ASSUMPTIONS:Department of Family Services:

1. Current level shown below is foster care base budget plus House Appropriations committee actions.
2. DFS estimates it has about 612 clients/month whose parent or guardian might be financially able to contribute.
3. It is estimated that 75% (an average of 459 cases per month) will provide some contribution and the average contribution will be \$50/month.
4. The increases shown are above the amounts already added to the DFS budget for increased parental collections of \$55,000 FY92 and \$110,000 FY93.

Department of SRS:

5. Costs to Department of Social & Rehabilitation Services (SRS) will be associated with this legislation. The Child Support Enforcement Division (CSED) is currently charged with enforcement of all cases referred to it in which payments under Title IV-E of the Social Security Act are being made to the foster family. Approximately 100 cases of this type existed in the CSED caseload as of February 28, 1991. The Department of Family Services (DFS) indicates that an average of 459 cases would be expected to be active each month through referrals to CSED.
6. To process the additional caseload, CSED would require additional operating costs for caseworker time equivalent to approximately 1.00 FTE. Cost of contract staff (not state employees) needed to handle the new caseload would be \$29,837/FTE in SFY92 and \$30,275/FTE in SFY93.
7. All Foster Care collections made by the CSED will be directed to the state special revenue account in DFS. Incentives paid by the federal government on collections associated with Title IV-E Foster Care cases will be retained by the SRS and deposited in the CSED state special revenue account.

FISCAL IMPACT:

see next page

  
ROD SUNDSTED, BUDGET DIRECTOR  
Office of Budget and Program Planning

DATE

3-19-91

  
TOM ZOOK, PRIMARY SPONSOR

DATE

3-21-91

Fiscal Note for HB0993, as introducedHB 993-1

FISCAL IMPACT:Department of Family Services:

|                                          | FY '92             |                     |                   | FY '93             |                     |                   |
|------------------------------------------|--------------------|---------------------|-------------------|--------------------|---------------------|-------------------|
| <u>Expenditures:</u>                     | <u>Current Law</u> | <u>Proposed Law</u> | <u>Difference</u> | <u>Current Law</u> | <u>Proposed Law</u> | <u>Difference</u> |
| Benefits and Claims                      | 17,705,298         | 17,705,298          | 0                 | 18,566,126         | 18,566,126          | 0                 |
| <u>Funding:</u>                          |                    |                     |                   |                    |                     |                   |
| General Fund                             | 12,250,351         | 12,190,151          | (60,200)          | 12,786,537         | 12,721,137          | (65,400)          |
| State Special                            | 1,539,359          | 1,599,559           | 60,200            | 1,541,881          | 1,607,281           | 65,400            |
| Federal Special                          | 3,915,588          | 3,915,588           | 0                 | 4,237,708          | 4,237,708           | 0                 |
| Total                                    | 17,705,298         | 17,705,298          | 0                 | 18,566,126         | 18,566,126          | 0                 |
| <u>Department of SRS:</u>                |                    |                     |                   |                    |                     |                   |
| Operating Costs                          | 0                  | 29,837              | 29,837            | 0                  | 30,275              | 30,275            |
| <u>Funding:</u>                          |                    |                     |                   |                    |                     |                   |
| CSED St Special (02)                     | 0                  | 10,145              | 10,145            | 0                  | 10,294              | 10,294            |
| Federal Revenue (03)                     | 0                  | 19,692              | 19,692            | 0                  | 19,981              | 19,981            |
| Total                                    | 0                  | 29,837              | 29,837            | 0                  | 30,275              | 30,275            |
| <u>Revenues:</u>                         |                    |                     |                   |                    |                     |                   |
| DFS Third Party Collection (02)          | 480,000            | 540,200             | 60,200            | 480,000            | 545,400             | 65,400            |
| SRS CSED State Special (02)              | 0                  | 2,947               | 2,947             | 0                  | 3,438               | 3,438             |
| Total                                    | 480,000            | 543,147             | 63,147            | 480,000            | 548,838             | 68,838            |
| <u>Net General Fund Impact (savings)</u> |                    |                     | 60,200            |                    |                     | 65,400            |

Opponents' Testimony:

Mike Felt, Eagle Bend Golf Club; Dennis Burr, Montana Taxpayers Association; Gene Phillips, LHC Inc., Kalispell, John Fitzpatrick, Pegasus Gold Corporation; Jim Tutwiler, Montana Chamber of Commerce; and Susan Brooke, Montana Stockgrower's Association, spoke in opposition to HB 1004.

Gordon Morris, Montana Association of Counties, said that he was a no-ponent and provided the committee with information HB 1004 would have on all 56 counties. EXHIBITS 24, 25

Questions From Committee Members: None

Closing by Sponsor:

REP. DOLEZAL urged the committee's support of HB 1004.

HEARING ON HB 993

Presentation and Opening Statement by Sponsor:

REP. ZOOK, House District 25, Miles City, stated HB 993 would require a youth's parents or guardian to pay a contribution toward the cost of out-of-home care provided by the Department of Family Services if they are financially able to pay. It is to be based upon the uniform child support guidelines and authorizes the collection of contributions by means of an automatic income withholding.

Proponents' Testimony:

Kathy McGowan, MRCCA, stood in support of HB 933.

Amy Feifer, Department of SRS, provided written testimony and proposed amendments from SRS. EXHIBIT 26, 27

John Madsen, Department of Family Services, stood in support of HB 933.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

NO CLOSING STATEMENT WAS AVAILABLE.

HEARING ON HB 992

Presentation and Opening Statement by Sponsor:

REP. RANEY, House District 82, Livingston, stated HB 992 is an

DEPARTMENT OF  
SOCIAL AND REHABILITATION SERVICES  
CHILD SUPPORT ENFORCEMENT DIVISION

EXHIBIT 24  
DATE 3-27  
HB 993

STAN STEPHENS  
GOVERNOR

JULIA E. ROBINSON  
DIRECTOR



State of Montana

(406) 444-4614  
(406) 444-1970 (FAX)

P. O. BOX 5955  
HELENA, MONTANA 59604

March 27, 1991

To: House Taxation

From: Child Support Enforcement Division (CSED), Department of Social and Rehabilitation Services

Subject: HB 993 - An Act to Require a Youth's Parents or Guardians to Pay a Contribution Toward the Cost of Out-of-Home Care Provided by the Department of Family Services

The Child Support Enforcement Division (CSED) of the Department of Social and Rehabilitation Services appears before this committee to ask that the committee to consider amendments to HB 993. The CSED has submitted these requests to the Department of Family Services.

After reviewing HB 993 as introduced, the CSED requests a number of amendments which we believe are necessary to carry out the intended purpose of the bill. The amendments we request are necessary for the following reasons:

The CSED's authority is generally limited to the enforcement of child support orders. See MCA '40-5-201 et seq. This bill does not create child support orders, but instead requires parents to contribute to the cost and expenses incurred by the Department of Family Services; it creates a "contribution order". If the Department of Family Services' intention is that a "contribution order" is the equivalent of a "support order", then the requirements of the federal Family Support Act of 1988 must be met. If this is not the Department's intention, then under federal regulations the CSED cannot provide enforcement services for those "contribution orders" created by this bill.

The changes to amended '41-3-406(4), 41-5-403(6) and 41-5-523(10) are necessary because the Family Support Act of 1988 (PL 100-485, Title I: Child Support and Establishment of Paternity) Sec.101 (a) requires immediate income withholding in all child support orders which are issued or modified on or after November 1, 1990. Child support orders can be exempted from immediate income withholding

3-27-91

HB 993

only if the court finds: (i) good cause or (ii) the parties have agreed to an alternative arrangement in writing. Consequently, the proposal contains language similar to that used in our own HB 923.

The second set of amendments, those to '41-3-406(6), 41-5-403(8) and 41-5-523(12), is necessary because MCA '40-5-203 and federal regulations require an application for CSED services if the family is not receiving Aid to Families with Dependent Children (AFDC) or Medicaid benefits. Since the CSED is required to provide services upon application, it is not necessary that the court order us to provide services. Additional language was added authorizing the CSED to use its administrative remedies to enforce "contributions" ordered by the court. They would not otherwise be included under the definitions of "support order" in '40-5-202 and '40-5-403.

Thank you for your consideration of this bill and our proposed amendments.

DEPARTMENT OF  
SOCIAL AND REHABILITATION SERVICES  
CHILD SUPPORT ENFORCEMENT DIVISION

EXHIBIT 27  
DATE 3-27-  
HB 993



STAN STEPHENS  
GOVERNOR

JULIA E. ROBINSON  
DIRECTOR

State of Montana

(406) 444-4614  
(406) 444-1970 (FAX)

P. O. BOX 5955  
HELENA, MONTANA 59604

March 27, 1991

To: House Taxation

From: Child Support Enforcement Division (CSED), Department of Social and Rehabilitation Services

Subject: Amendments to HB 993 - An Act to Require a Youth's Parents or Guardians to Pay a Contribution Toward the Cost of Out-of-Home Care Provided by the Department of Family Services

The CSED proposes the following amendments to HB 993:

1) To Section 1, creating new subsection 41-3-406 (4), we propose to delete the entire new subsection (4) and substitute the following:

(4)(a) UNLESS THE COURT MAKES A WRITTEN EXCEPTION, AND THE EXCEPTION IS INCLUDED IN THE ORDER, CONTRIBUTIONS ORDERED UNDER THIS SECTION AND EACH MODIFICATION OF AN EXISTING ORDER UNDER THIS SECTION ARE ENFORCEABLE BY IMMEDIATE OR DELINQUENCY INCOME WITHHOLDING, OR BOTH, UNDER TITLE 40, CHAPTER 5, PART 4. AN ORDER FOR CONTRIBUTION THAT OMITTS THAT PROVISION OR THAT PROVIDES FOR A PAYMENT ARRANGEMENT INCONSISTENT WITH THIS SECTION, IS NEVERTHELESS SUBJECT TO WITHHOLDING FOR THE PAYMENT OF THE CONTRIBUTION WITHOUT NEED FOR AN AMENDMENT OF THE SUPPORT ORDER OR FOR ANY FURTHER ACTION BY THE COURT.

(b) AN EXCEPTION FROM THE REQUIREMENT THAT CONTRIBUTIONS ORDERED UNDER THIS SECTION BE ENFORCEABLE BY IMMEDIATE INCOME WITHHOLDING MAY BE GRANTED IF THE COURT FINDS THAT THERE IS:

- (i) GOOD CAUSE NOT TO REQUIRE IMMEDIATE INCOME WITHHOLDING; OR,
- (ii) AN ALTERNATIVE ARRANGEMENT BETWEEN THE

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H8 993

DEPARTMENT AND THE PERSON ORDERED TO PAY CONTRIBUTIONS FOR THE PAYMENT OF SUPPORT THAT PROVIDES SUFFICIENT SECURITY TO ENSURE COMPLIANCE WITH THE ARRANGEMENT.

(iii) AS USED IN THIS SECTION, "ALTERNATIVE ARRANGEMENT" MEANS A WRITTEN AGREEMENT THAT IS SIGNED BY A REPRESENTATIVE OF THE DEPARTMENT AND BY THE PERSON REQUIRED TO PAY CONTRIBUTIONS. THE AGREEMENT, IF APPROVED BY THE COURT, SHALL BE ENTERED INTO THE RECORD OF THE COURT THAT ISSUED OR MODIFIED THE ORDER TO PAY CONTRIBUTIONS.

(c) A FINDING OF GOOD CAUSE NOT TO REQUIRE IMMEDIATE INCOME WITHHOLDING MUST, AT A MINIMUM, BE BASED ON:

(i) A WRITTEN DETERMINATION AND EXPLANATION BY THE COURT AS TO WHY IMPLEMENTATION OF IMMEDIATE INCOME WITHHOLDING IS NOT IN THE BEST INTERESTS OF THE CHILD;  
AND,

(ii) PROOF OF TIMELY PAYMENT OF PREVIOUSLY ORDERED SUPPORT IN CASES INVOLVING MODIFICATION OF CONTRIBUTIONS ORDERED UNDER THIS SECTION.

2) To Section 1, creating a new subsection (6) to 41-3-406, we propose to delete all of subsection (6) and insert the following:

(6)(a) IF THE COURT ORDERS THE PAYMENT OF CONTRIBUTIONS UNDER THIS SECTION, THE DEPARTMENT SHALL APPLY TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES FOR SUPPORT ENFORCEMENT SERVICES PURSUANT TO TITLE IV-D OF THE SOCIAL SECURITY ACT.

(b) THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES MAY COLLECT AND ENFORCE CONTRIBUTIONS ORDERED UNDER THIS SECTION BY ANY MEANS AVAILABLE UNDER LAW, INCLUDING THE REMEDIES PROVIDED FOR IN TITLE 40, CHAPTER 5, PARTS 2 AND 4.

3) To Section 2, creating a new subsection (6) to 41-5-403, we propose to delete all of subsection (6) and insert the following:

(6)(a) UNLESS THE COURT MAKES A WRITTEN EXCEPTION, AND THE EXCEPTION IS INCLUDED IN THE ORDER, CONTRIBUTIONS ORDERED UNDER THIS SECTION AND EACH MODIFICATION OF AN EXISTING ORDER UNDER THIS SECTION ARE ENFORCEABLE BY IMMEDIATE OR DELINQUENCY INCOME WITHHOLDING, OR BOTH, UNDER TITLE 40, CHAPTER 5, PART 4. AN ORDER FOR CONTRIBUTION THAT OMITTS THAT PROVISION OR THAT PROVIDES FOR A PAYMENT ARRANGEMENT INCONSISTENT WITH THIS SECTION, IS NEVERTHELESS SUBJECT TO WITHHOLDING FOR THE PAYMENT OF THE CONTRIBUTION WITHOUT NEED FOR AN AMENDMENT OF THE SUPPORT ORDER OR FOR ANY FURTHER ACTION BY THE COURT.

(b) AN EXCEPTION FROM THE REQUIREMENT THAT CONTRIBUTIONS ORDERED UNDER THIS SECTION BE ENFORCEABLE BY IMMEDIATE INCOME WITHHOLDING MAY BE GRANTED IF THE COURT FINDS THAT THERE IS:

(i) GOOD CAUSE NOT TO REQUIRE IMMEDIATE INCOME WITHHOLDING; OR,

(ii) AN ALTERNATIVE ARRANGEMENT BETWEEN THE

DEPARTMENT AND THE PERSON ORDERED TO PAY CONTRIBUTIONS FOR THE PAYMENT OF SUPPORT THAT PROVIDES SUFFICIENT SECURITY TO ENSURE COMPLIANCE WITH THE ARRANGEMENT.

(iii) AS USED IN THIS SECTION, "ALTERNATIVE ARRANGEMENT" MEANS A WRITTEN AGREEMENT THAT IS SIGNED BY A REPRESENTATIVE OF THE DEPARTMENT AND BY THE PERSON REQUIRED TO PAY CONTRIBUTIONS. THE AGREEMENT, IF APPROVED BY THE COURT, SHALL BE ENTERED INTO THE RECORD OF THE COURT THAT ISSUED OR MODIFIED THE ORDER TO PAY CONTRIBUTIONS.

(c) A FINDING OF GOOD CAUSE NOT TO REQUIRE IMMEDIATE INCOME WITHHOLDING MUST, AT A MINIMUM, BE BASED ON:

(i) A WRITTEN DETERMINATION AND EXPLANATION BY THE COURT AS TO WHY IMPLEMENTATION OF IMMEDIATE INCOME WITHHOLDING IS NOT IN THE BEST INTERESTS OF THE CHILD;  
AND,

(ii) PROOF OF TIMELY PAYMENT OF PREVIOUSLY ORDERED SUPPORT IN CASES INVOLVING MODIFICATION OF CONTRIBUTIONS ORDERED UNDER THIS SECTION.

4) We propose to delete new subsection (7) of Section 2, amending 41-5-403.

5) We propose to delete all of new subsection (8) of Section 2, amending 41-5-403 and insert the following:

(6)(a) IF THE COURT ORDERS THE PAYMENT OF CONTRIBUTIONS UNDER THIS SECTION, THE DEPARTMENT SHALL APPLY TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES FOR SUPPORT ENFORCEMENT SERVICES PURSUANT TO TITLE IV-D OF THE SOCIAL SECURITY ACT.

(b) THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES MAY COLLECT AND ENFORCE CONTRIBUTIONS ORDERED UNDER THIS SECTION BY ANY MEANS AVAILABLE UNDER LAW, INCLUDING THE REMEDIES PROVIDED FOR IN TITLE 40, CHAPTER 5, PARTS 2 AND 4

6) We propose to delete subsection new subsection (10) of Section 3, amending 41-5-523 (Effective July 1, 1991) and add the following:

(6)(a) UNLESS THE COURT MAKES A WRITTEN EXCEPTION, AND THE EXCEPTION IS INCLUDED IN THE ORDER, CONTRIBUTIONS ORDERED UNDER THIS SECTION AND EACH MODIFICATION OF AN EXISTING ORDER UNDER THIS SECTION ARE ENFORCEABLE BY IMMEDIATE OR DELINQUENCY INCOME WITHHOLDING, OR BOTH, UNDER TITLE 40, CHAPTER 5, PART 4. AN ORDER FOR CONTRIBUTION THAT OMITTS THAT PROVISION OR THAT PROVIDES FOR A PAYMENT ARRANGEMENT INCONSISTENT WITH THIS SECTION, IS NEVERTHELESS SUBJECT TO WITHHOLDING FOR THE PAYMENT OF THE CONTRIBUTION WITHOUT NEED FOR AN AMENDMENT OF THE SUPPORT ORDER OR FOR ANY FURTHER ACTION BY THE COURT.

(b) AN EXCEPTION FROM THE REQUIREMENT THAT CONTRIBUTIONS ORDERED UNDER THIS SECTION BE ENFORCEABLE BY IMMEDIATE INCOME WITHHOLDING MAY BE GRANTED IF THE COURT FINDS THAT THERE IS:

(i) GOOD CAUSE NOT TO REQUIRE IMMEDIATE INCOME



WITHHOLDING; OR,

(ii) AN ALTERNATIVE ARRANGEMENT BETWEEN THE DEPARTMENT AND THE PERSON ORDERED TO PAY CONTRIBUTIONS FOR THE PAYMENT OF SUPPORT THAT PROVIDES SUFFICIENT SECURITY TO ENSURE COMPLIANCE WITH THE ARRANGEMENT.

(iii) AS USED IN THIS SECTION, "ALTERNATIVE ARRANGEMENT" MEANS A WRITTEN AGREEMENT THAT IS SIGNED BY A REPRESENTATIVE OF THE DEPARTMENT AND BY THE PERSON REQUIRED TO PAY CONTRIBUTIONS. THE AGREEMENT, IF APPROVED BY THE COURT, SHALL BE ENTERED INTO THE RECORD OF THE COURT THAT ISSUED OR MODIFIED THE ORDER TO PAY CONTRIBUTIONS.

(c) A FINDING OF GOOD CAUSE NOT TO REQUIRE IMMEDIATE INCOME WITHHOLDING MUST, AT A MINIMUM, BE BASED ON:

(i) A WRITTEN DETERMINATION AND EXPLANATION BY THE COURT AS TO WHY IMPLEMENTATION OF IMMEDIATE INCOME WITHHOLDING IS NOT IN THE BEST INTERESTS OF THE CHILD;  
AND,

(ii) PROOF OF TIMELY PAYMENT OF PREVIOUSLY ORDERED SUPPORT IN CASES INVOLVING MODIFICATION OF CONTRIBUTIONS ORDERED UNDER THIS SECTION.

7) We propose to delete new subsection (12) of Section 3, amending 41-5-523 (Effective July 1, 1991) and add the following:

(a) IF THE COURT ORDERS THE PAYMENT OF CONTRIBUTIONS UNDER THIS SECTION, THE DEPARTMENT SHALL APPLY TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES FOR SUPPORT ENFORCEMENT SERVICES PURSUANT TO TITLE IV-D OF THE SOCIAL SECURITY ACT.

(b) THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES MAY COLLECT AND ENFORCE CONTRIBUTIONS ORDERED UNDER THIS SECTION BY ANY MEANS AVAILABLE UNDER LAW, INCLUDING THE REMEDIES PROVIDED FOR IN TITLE 40, CHAPTER 5, PARTS 2 AND 4.

## HOUSE OF REPRESENTATIVES

## VISITOR'S REGISTER

Taxation COMMITTEE BILL NO. H.B. 993  
 DATE 3/27/91 SPONSOR(S) Rep. Zook

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS                  | REPRESENTING                 | BILL | OPPOSE | SUPPORT |
|-----------------------------------|------------------------------|------|--------|---------|
| Kathy McGowan                     | MRCCA                        | 993  |        | ✓       |
| Amy Pfeiffer P.O. Box 5955 Helena | Dept SRS/Child Support Enf.  | 993  |        |         |
| Jim Scott                         | MT Tax Reform Coal           |      |        |         |
| Aun G. May                        | Family Services              | 993  |        | x       |
| Lynn CARLETON                     | Dept of SRS Child Supp. Enfs | 993  |        |         |
|                                   |                              |      |        |         |
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

EXECUTIVE ACTION ON HB 992

Motion: REP. RANEY MOVED HB 992 DO PASS.

Motion: REP. RANEY moved to amend HB 992. Strike Section 3, Section 4, and Section 6. Section 3 will divert the coal tax money. Section 4 is how to spend it. Section 6 is the stripper well exemptions.

Vote: Motion to amend HB 992 carried unanimously.

Motion: REP. RANEY MADE A SUBSTITUTE MOTION THAT HB 992 DO PASS AS AMENDED.

Discussion:

REP. RANEY said that the bill as amended will provide that a state vehicle will maintain the fuel economy standards or attempt to reach them.

Motion/Vote: REP. RANEY moved to further amend HB 992. Page 3, Line 12, insert "if possible". Motion carried unanimously.

Discussion:

REP. FOSTER said that as far as the natural gas used for transportation and deregulating that, he doesn't know if we need a law for it.

Motion/Vote: REP. RANEY MADE A SUBSTITUTE MOTION TO TABLE HB 992. Motion carried unanimously.

EXECUTIVE ACTION ON HB 993

Motion: REP. M. HANSON MOVED HB 993 DO PASS.

Motion: REP. COHEN moved to amend HB 993. EXHIBIT 13

Discussion:

REP. COHEN said that DOR came in with amendments that would make HB 993 would correspond with another bill which has already been passed. CHAIR HARRINGTON asked if there was anyone from SRS who could explain the amendments. REP. O'KEEFE said he doesn't see anyone, but the amendments must be to put HB 993 in line with his bill that is on second reading which is the clothing allowance for foster parents. If the amendments support his bill, he will support the amendments. REP. SCHYE said that there were two other bill dealing with this issue.

Vote: Motion to amend HB 993 carried unanimously.

**Motion:** CHAIR HARRINGTON MADE A SUBSTITUTE MOTION HB 993 DO PASS AS AMENDED.

**Discussion:**

CHAIR HARRINGTON asked if the bill spell out exactly how they determine the eligibility. REP. HOFFMAN said no it just shifts the burden. REP. MCCARTHY said that Page 3, Line 8 says it is based on child support guidelines, and asked if it wouldn't be very limited as to what the court could order. REP. ELLISON said the child support guidelines where adopted by the Supreme Court, and they go by the needs of the child. This is what determines eligibility.

**Vote:** Motion that HB 993 Do Pass As Amended carried 19 to 2 with REPS. STANG and WANZENRIED voting no.

**EXECUTIVE ACTION ON HB 215 and HB 216**

**Motion:** REP. RANEY MOVED HB 215 AND HB 216 DO PASS.

**Discussion:**

REP. RANEY said that these two bills deal with the metal mines license tax. Both of the bills were heard in the Natural Resources Committee and not the Taxation Committee. The bills originally took RIT money to fund the Ground Water Characterization Program which is a 20 year program that would be handled by the School of Mines in Butte. It is an EQC bill to drill 10 million holes across Montana to find out everything there is to know about Montana's ground water. He offered an amendment in the Natural Resources Committee which struck the RIT as the funding source and inserted a metal mines license tax. It raises the tax on hard rock mining \$660,000 a year for 20 years to fund the program.

REP. GILBERT said that he no longer supports the bill because the funding source was changed. In fact, the entire complexity of the bill has been changed, and he doesn't know how many people from EQC support it now. REP. HOFFMAN asked if the counties take a hit. REP. RANEY said no. He said that the LFA adjusted all the figures so that everybody gets what they were getting and the \$600,000 goes after. CHAIR HARRINGTON said that going back after the metal mines is wrong.

**Motion/Vote:** REP. MCCARTHY MADE A SUBSTITUTE MOTION THAT HB 215 AND HB 216 BE TABLED. Motion failed 8 to 12 on a roll call vote. EXHIBIT 14

**Motion/Vote:** REP. MCCARTHY moved to amend HB 215 and HB 216. To reinsert the funding back to the RIT. Motion carried 13 to 8 on a roll call vote. EXHIBIT 15

10-03  
7-28-91  
JDD

HOUSE STANDING COMMITTEE REPORT

March 28, 1991

Page 1 of 4

Mr. Speaker: We, the committee on Taxation report that House Bill 993 (first reading copy -- white) do pass as amended.

Signed: *Dan Harrington*  
Dan Harrington, Chairman

And, that such amendments read:

1. Page 3, lines 11 through 14.

Following: "(4)"

Strike: remainder of subsection (4) in its entirety

Insert: "(a) Except as provided in subsection (4) (b), contributions ordered under this section and each modification of an existing order are enforceable by immediate or delinquency income withholding, or both, under Title 40, chapter 5, part 4. An order for contribution that is inconsistent with this section is nevertheless subject to withholding for the payment of the contribution without need for an amendment of the support order or for any further action by the court.

(b) A court-ordered exception from contributions under this section must be in writing and be included in the order. An exception from the immediate income withholding requirement may be granted if the court finds there is:

(i) good cause not to require immediate income withholding; or

(ii) there is an alternative arrangement between the department and the person who is ordered to pay contributions.

(c) A finding of good cause not to require immediate income withholding must, at a minimum, be based upon:

(i) a written determination and explanation by the court of the reasons why the implementation of immediate income withholding is not in the best interests of the child; and

(ii) proof of timely payment of previously ordered support in cases involving modification of contributions ordered under this section.

(d) An alternative arrangement must:

(i) provide sufficient security to ensure compliance with the arrangement;

(ii) be in writing and be signed by a representative of the department and the person required to make contributions; and

(iii) if approved by the court, be entered into the record of the proceeding."

2. Page 3, lines 19 through 23.

Following: "(6)" on line 19

Strike: the remainder of subsection (6) in its entirety

Insert: "(a) If the court orders the payment of contributions under this section, the department shall apply to the department of social and rehabilitation services for support enforcement services pursuant to Title IV-D of the Social Security Act.

(b) The department of social and rehabilitation services may collect and enforce a contribution order under this section by any means available under law, including the remedies provided for in Title 40, chapter 5, parts 2 and 4."

3. Page 5, lines 13 through 25.

Following: "(6)"

Strike: remainder of subsection (6) and all of subsections (7) and (8) in their entirety

Insert: "(a) Except as provided in subsection (6)(b), contributions ordered under this section and each modification of an existing order are enforceable by immediate or delinquency income withholding, or both, under Title 40, chapter 5, part 4. An order for contribution that is inconsistent with this section is nevertheless subject to withholding for the payment of the contribution without need for an amendment of the support order or for any further action by the court.

(b) A court-ordered exception from contributions under this section must be in writing and be included in the order. An exception from the immediate income withholding requirement may be granted if the court finds there is:

(i) good cause not to require immediate income withholding; or

(ii) there is an alternative arrangement between the department and the person who is ordered to pay contributions.

(c) A finding of good cause not to require immediate income withholding must, at a minimum, be based upon:

(i) a written determination and explanation by the court of the reasons why the implementation of immediate income withholding is not in the best interests of the child; and

(ii) proof of timely payment of previously ordered support in cases involving modification of contributions ordered under this section.

(d) An alternative arrangement must:

(i) provide sufficient security to ensure compliance with the arrangement;

(ii) be in writing and be signed by a representative of the department and the person required to make contributions; and

(iii) if approved by the court, be entered into the record of the proceeding.

(7) (a) If the court orders the payment of contributions under this section, the department shall apply to the department of social and rehabilitation services for support enforcement services pursuant to Title IV-D of the Social Security Act.

(b) The department of social and rehabilitation services may collect and enforce a contribution order under this section by any means available under law, including the remedies provided for in Title 40, chapter 5, parts 2 and 4."

4. Page 14, lines 8 through 11.

Following: "(10)"

Strike: remainder of subsection (10) in its entirety

Insert: "(a) Except as provided in subsection (10) (b), contributions ordered under this section and each modification of an existing order are enforceable by immediate or delinquency income withholding, or both, under Title 40, chapter 5, part 4. An order for contribution that is inconsistent with this section is nevertheless subject to withholding for the payment of the contribution without need for an amendment of the support order or for any further action by the court.

(b) A court-ordered exception from contributions under this section must be in writing and be included in the order. An exception from the immediate income withholding requirement may be granted if the court finds there is:

(i) good cause not to require immediate income withholding; or

(ii) there is an alternative arrangement between the department and the person who is ordered to pay contributions.

(c) A finding of good cause not to require immediate income withholding must, at a minimum, be based upon:

(i) a written determination and explanation by the court of the reasons why the implementation of immediate income withholding is not in the best interests of the child; and

(ii) proof of timely payment of previously ordered support in cases involving modification of contributions ordered under this section.

(d) An alternative arrangement must:

(i) provide sufficient security to ensure compliance with the arrangement;

(ii) be in writing and be signed by a representative of the department and the person required to make contributions; and

(iii) if approved by the court, be entered into the record of the proceeding."

5. Page 14, lines 16 through 20.

Following: "(12)" on line 19

Strike: the remainder of subsection (12) in its entirety

Insert: "(a) If the court orders the payment of contributions under this section, the department shall apply to the department of social and rehabilitation services for support enforcement services pursuant to Title IV-D of the Social Security Act.

(b) The department of social and rehabilitation services may collect and enforce a contribution order under this section by any means available under law, including the remedies provided for in Title 40, chapter 5, parts 2 and 4."

6. Page 22, line 6.

Following: "~~41-3-1123~~"

Insert: "41-3-406, and 41-3-1122"



problem has been identified, and a practical solution has been suggested. He said he believes local politics can be remedied by the proposed amendments.

### HEARING ON HOUSE BILL 993

#### Presentation and Opening Statement by Sponsor:

Representative Tom Zook, District 25, said HB 993 requires that parents contribute to the cost of treatment of their children who are in residential facilities, if they have the means to pay. He stated that, right now, the Department of Family Services (DFS), assumes financial responsibility for these children, and that he believes the bill will provide incentives to families to become more involved. Representative Zook told the Committee that the bill is not meant to be punitive, and only puts the responsibility where it belongs.

#### Proponents' Testimony:

Ann Gilkey, Attorney, DFS, said the Department supports HB 993 which clarifies and expands existing law, and ties collection into the Child Support Enforcement Division of the Department of Social and Rehabilitation Services (SRS). She explained that these funds will be used for in-home and family-based services.

Kathy McGowan, Montana Residential Child Care Association, said she represents 23 different youth homes and residential treatment centers in Montana, and supports HB 993 as parents need to be involved in financial support and/or treatment.

Amy Pfeiffer, Child Support Enforcement Division, SRS, said she supports the bill, as amended, and told the Committee that HB 923 provided the way to obtain funds in IV D cases (Exhibit #6).

#### Opponents' Testimony:

There were no opponents of the bill.

#### Questions From Committee Members:

Senator Towe commented that it may not be appropriate in certain instances for the courts to require parents to provide support for their children in residential treatment centers. Ann Gilkey replied that the court can use the formula for Child Support Enforcement, and that there are exceptions outlined on page 8 of the bill. She said the intent is to give the courts discretion in this area.

Senator Towe stated that the language says "shall", and asked if there would be any objection to changing it to "may". Representative Zook replied he would not object to this change.

Senator Halligan asked why this is not addressed after temporary investigating authority instead of waiting until it is adjudicated and the child has been in foster care for a year. He asked if this language could be clarified. Ann Gilkey replied she would look at changing the language.

Closing by Sponsor:

Representative Zook made no closing comments. Senator Pinsoneault offered to carry the bill, if it passes out of the Committee.

HEARING ON HOUSE BILL 778

Presentation and Opening Statement by Sponsor:

Representative Dave Brown, District 72, said HB 778 is a land access compromise bill, and was worked on by the Attorney General, the Secretary of State, and others. He said these people spent many hours with all concerned parties, and that he believes it is a good package. Representative Brown stated that it is a fragile compromise, but is a step forward.

Proponents' Testimony:

Attorney General Marc Racicot, asked for favorable consideration of the bill which, he said, resolves the insurmountable problem that cannot be dealt with by litigation (Exhibit #7 - Attorney General and Secretary of State).

Mike Cooney, Secretary of State, and member of the State Lands Board, said this was the most important issue to people during his 1988 campaign. He said he believes HB 778 is a step in the right direction, and is a very valuable compromise.

John Gibson, Billings Rod and Gun Club and Magic City Trout Unlimited, said he has worked in the Custer National Forest for the past 15 years where there have been thousands of land improvements, but insignificant damage as a result of year-round use. He said he believes the damage issue is overstated, and has little substance (Exhibit #8).

Bill Haldorf, Skyline Sportsmen, Butte, said he wanted to address the spread of noxious weeds by other than sportsmen (Exhibit #9).

Paul Berg, Legislative Chairman, Southeast Montana Sportsmen Association, said he represented about 5,000 sportsmen, and asked the Committee to support the bill (Exhibit #10).

Robert Dupea, White Sulphur Springs, said he represented the Stockgrowers Private Lands Committee, and asked the Committee to support the bill without amendment (Exhibit #11).

He said the bill was resisted by Representatives Cohen and Raney in the House, and that the issues revolved around paying \$5 per year for fishing and hunting, and the Educational Trust under Sections IV and VII of the Constitution. Representative Brown said their arguments a significantly flawed in those areas, as values are not established for any use other than hunting and fishing. He further stated that Section 7, on page 23 of the bill, allows the Board to adopt rules for special use licenses if values change, and that the many lessees, landowners, and sportsmen he spoke with gave no specific objection to this.

Senator Towe asked what would happen if there were substantial interest in bird watching on state lands. John North, Attorney, State Lands, replied that if the Board decided bird watching was of interest on state lands, it could adopt a rule for general recreational use.

Amendments, Discussion, and Votes:

There were none.

Recommendation and Vote:

Senator Grosfield made a motion that HB 778 BE CONCURRED IN. The motion carried 9-1 in a roll call vote (attached). Senators Halligan and Svrcek were called from the room and did not leave votes.

\* \* \* \* \*

The meeting was recessed at 12 noon and reconvened at 3 p.m.

\* \* \* \* \*

EXECUTIVE ACTION ON HOUSE BILL 993

Motion:

Discussion:

Amendments, Discussion, and Votes:

Valencia Lane explained that the amendment changes "shall" to "may", and that the Department of Family Services does not want this change (Exhibit #7).

Senator Yellowtail made a motion that Senator Towe's amendments be approved. The motion failed with all members voting no, except Senator Towe.

Recommendation and Vote:

Senator Svrcek made a motion that HB 993 BE CONCURRED IN AS AMENDED. The motion carried unanimously, and Senator Halligan was asked to carry the bill.

EXECUTIVE ACTION ON HOUSE BILL 103Motion:Discussion:Amendments, Discussion, and Votes:

Valencia Lane explained that she revised the amendments requested by Dan Anderson, Department of Institutions, because of technical problems (Exhibit #8). She stated that amendment #3 requires counties to develop county plans, and #4 creates a temporary new section for teams to form county alternatives.

Senator Halligan made a motion to approve the amendments. The motion carried unanimously.

Senator Grosfield stated he had another amendment which was not drafted by Valencia Lane. He said Section 4 addresses crisis intervention subject to available appropriations, and that he wanted to tie that to the same language in the first two sections.

Senator Pinsoneault stated that he has the same concerns.

Senator Halligan made a motion to change the effective date to July 1, 1993, to give DFS time to work on a funding source and crisis intervention. The motion carried unanimously.

Valencia Lane asked to change a corresponding effective date, and Chairman Pinsoneault granted permission.

Recommendation and Vote:

Senator Halligan made a motion that HB 103 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 958Motion:

Senator Svrcek made a motion that HB 958 BE TABLED at the request of the sponsor.

SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
April 11, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 993 (third reading copy -- blue), respectfully report that House Bill No. 993 be amended and as so amended be concurred in:

1. Title. line 15.  
Following: "41-3-208,"  
Insert: "41-3-403,"  
Strike: "41-3-1115,"

2. Page 1, line 21.  
Following: line 20  
Insert: "Section 1. Section 41-3-403, MCA, is amended to read:  
"41-3-403. Order for immediate protection of youth. (1) (a)  
Upon the filing of a petition for temporary investigative authority and protective services, the court may issue an order granting such relief as may be required for the immediate protection of the youth.

(b) The order, along with the petition and supporting documents, shall be served by a peace officer or a representative of the department of family services on the person or persons named therein. When the youth is placed in a medical facility or protective facility, the department shall notify the parents or parent, guardian, or other person having legal custody of the youth, at the time the placement is made or as soon thereafter as possible.

(c) The order shall require the person served to comply immediately with the terms thereof or to appear before the court issuing the order on the date specified and show cause why he has not complied with the order. The show cause hearing must be conducted within 20 days of the issuance of the order by the judge or a master appointed by the judge. The person filing the petition has the burden of presenting evidence establishing probable cause for the issuance of the order. Except as otherwise provided herein, the rules of civil procedure shall apply.

(d) Upon a failure to comply or show cause the court may hold the person in contempt or place temporary legal custody of the youth with the department of family services until further order.

(2) The court may grant the following kinds of relief:

(a) right of entry by a peace officer or department of family services worker;

(b) medical and psychological evaluation of youth or parents, guardians, or person having legal custody;

(c) require the youth, parents, guardians, or person having legal custody to receive counseling services;

(d) place the youth in temporary medical facility or facility for protection of the youth;

(e) require the parents, guardian, or other person having custody to furnish such services as the court may designate;

(f) inquire into the financial ability of the parents, guardian, or other person having custody of the youth to contribute to the costs for the care, custody, and treatment of the youth and order contribution for those costs pursuant to the requirements of 41-3-406(3) through (5);

~~(f)(g)~~ such other temporary disposition as may be required in the best interest of the youth."

Renumber: subsequent sections

3. Page 25, line 8 through page 27, line 3.

Strike: section 8 in its entirety

Renumber: subsequent sections

4. Page 26, lines 21 and 23.

Strike: "5"

Insert: "6"

Signed: \_\_\_\_\_

Richard Pinsoneault, Chairman

11-9  
Amd. Coord.

4-11 0 4:40  
Sec. of Senate

EX-7  
11 April  
HB 993

Amendments to House Bill No. 993  
Third Reading Copy (BLUE)

Requested by Senator Halligan  
For the Committee on Judiciary

Prepared by Valencia Lane (Ann Gilkey)  
April 11, 1991

1. Title, line 15.  
Following: "41-3-208,"  
Insert: "41-3-403,"  
Strike: "41-3-1115,"

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documents, shall be served by a peace officer or a representative  
of the department of family services on the person or persons  
named therein. When the youth is placed in a medical facility or  
protective facility, the department shall notify the parents or  
parent, guardian, or other person having legal custody of the  
youth, at the time the placement is made or as soon thereafter as  
possible.

(c) The order shall require the person served to comply  
immediately with the terms thereof or to appear before the court  
issuing the order on the date specified and show cause why he has  
not complied with the order. The show cause hearing must be  
conducted within 20 days of the issuance of the order by the  
judge or a master appointed by the judge. The person filing the  
petition has the burden of presenting evidence establishing  
probable cause for the issuance of the order. Except as otherwise  
provided herein, the rules of civil procedure shall apply.

(d) Upon a failure to comply or show cause the court may  
hold the person in contempt or place temporary legal custody of  
the youth with the department of family services until further  
order.

(2) The court may grant the following kinds of relief:

(a) right of entry by a peace officer or department of  
family services worker;

(b) medical and psychological evaluation of youth or  
parents, guardians, or person having legal custody;

(c) require the youth, parents, guardians, or person having  
legal custody to receive counseling services;

(d) place the youth in temporary medical facility or  
facility for protection of the youth;

(e) require the parents, guardian, or other person having  
custody to furnish such services as the court may designate;

11 Apr 91  
Ex # 7a  
HB 993

AMENDMENT TO SECOND READING OF HB 993

1. Title, line 15.  
Following: "41-3-208"  
Insert: "41-3-403,"

2. Page 1  
Following: line 20  
Insert: "Section 1. Section 41-3-403, MCA, is amended to read:

**41-3-403. Order for immediate protection of youth.** (1) (a) Upon the filing of a petition for temporary investigative authority and protective services, the court may issue an order granting such relief as may be required for the immediate protection of the youth.

(b) The order, along with the petition and supporting documents, shall be served by a peace officer or a representative of the department of family services on the person or persons named therein. When the youth is placed in a medical facility or protective facility, the department shall notify the parents or parent, guardian, or other person having legal custody of the youth, at the time the placement is made or as soon thereafter as possible.

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(c) require the youth, parents, guardians, or person having legal custody to receive counseling services;

(d) place the youth in temporary medical facility or facility for protection of the youth;

(e) require the parents, guardian, or other person having custody to furnish such services as the court may designate;

(e) inquire into the financial ability of the parents, guardian or other person having custody of the youth to contribute to the costs for the care, custody, and treatment of the youth and order contribution for the same pursuant to the requirements of 41-3-406 (3) through (6)."



Ex. 79

HB 993

11 Apr.

~~(f)~~ (g) such other temporary disposition as may be required in the best interest of the youth.

Renumber. subsequent sections

3. Page 25, line 8.

Strike: section 8 in its entirety

Renumber: subsequent sections